

EXHIBIT

3

***Phenix City Firefighters Association
Local-3668***

P. O. Box 173

Phenix City, AL 36868

President-Dennis Duty

Vice President- David P. Davis

Secretary/Treasurer- Robert Gaskin

Affiliated with PFFA/IAFF/AFL-CIO

Chief Jerry Prater,

January 25, 2005

This letter is a formal request to set up a meeting to discuss current conditions of employment for the members of the *Phenix City Firefighters Association, Local-3668*. As a representative of Local-3668's choosing, and in compliance set forth in the Code of Alabama/Section 11-43-143, I am confident that we can meet and confer on a number of issues that greatly impact both of our organizations. I only ask that this meeting be scheduled on one of my off duty days, and that you will inform us, with a written notice, in ten to fifteen days, if such a meeting will be possible. Also in the written notice, please notify me of the time and place that best fits your schedule. Regretfully, I will not be available during the first week of February, due to a scheduled class, but anytime after that would be great. Below is a sample list of some topics and talking points for discussion.

Safety Issues-

- ◆ Incident commanders and safety concerns on emergency incidents.
- ◆ Incident Management System and safety factors at emergency incidents.
- ◆ Current Standard Operating Procedures and its influence on firefighter safety.
- ◆ Job stress and its effects on safety and health.
- ◆ Firefighter Wellness.

General Employment Issues-

- ◆ Morale and its effects on our membership.
- ◆ Management styles and concepts with regards to the concerns of firefighters.
- ◆ Discussion of privileged information.
- ◆ Salaries.
- ◆ Benefits.
- ◆ Union representation.
- ◆ Employee "trade time".

Discipline-

- ◆ Corrective versus punitive.
- ◆ Fact based discipline versus opinion.
- ◆ Fair and justified application of the merit system.
- ◆ Disciplinary action record keeping.

Communications-

- ◆ Improve communication
- ◆ Opened minded and committed to improving our current situations.
- ◆ Two-way communication between labor and management.
- ◆ Establish regular Labor/Management (L&M) meetings between the fire department administration and organized labor leaders.

Respectfully,

**David P. Davis
Vice President/Local-3668
Phenix City Firefighters Association**

EXHIBIT

4

PHENIX CITY FIRE DEPARTMENT

Three-alarm turmoil

Disputes, alleged threats, coercion, harassment fan flames of mistrust

By CHUCK WILLIAMS
Staff Writer

The department is in turmoil.

When the alarm sounds at the Phenix City Fire Department, it's all business.

Everybody — the fire chief, command staff, firefighters and politicians — agrees on that.

But that's where the agreement ends and the bickering begins.

Some firefighters say they are mistreated by management and the city — and work in an atmosphere of intimidation, coercion, derogatory comments, threats and harassment.

"Morale is at the lowest point since I've been here," said Sgt. David Davis, a seven-year veteran and president of the

Phenix City Firefighters Association.

Chief Wallace

Hunter, a 20-year career Phenix City firefighter

who assumed the top job in May, said attitude is the issue.

"When you come in with a negative attitude, you are going to have a negative day," he said. "And you are going to make everything negative around you."



Davis



Hunter

Hunter is the fourth chief in the last seven years. He is serving his second stint as chief, lasting six months in the job in 2001.

Twice, departmental disputes have ended up in federal court — both times the city prevailed. Over the last five years, 29 firefighters have left for a variety of reasons, including retirement and medical

disability.

The city has spots for 51 firefighters, and 44 are currently on that force. They staff three stations 24-hours a day, with firefighters working 24 hours on and 48 hours off.

A majority of the city's firefighters are represented by the firefighters association, a union the city does not have to legally recognize. The association has about 30 members.

Ten Phenix City firefighters

See FIRE FIGHT, Page A3

"God has chosen a garden to plant us in and now we need to grow."

Carolyn Brown, Violet, La., evacuee on arrival in Columbus



Learning lessons from New Orleans

Disaster-prone U.S. cities scramble to create plans to handle the next big one.

FIRE FIGHT | 'A little more give and take' needed

from A1

greed to discuss department issues Tuesday with the Ledger-Enquirer. The one-hour interview was conducted with all of them at the same time, the only way they would agree to talk. Those who attended were Capt. Robert Gaskin; Sgts. Davis, Karl Taylorson, James Ellerbee, Anne Land, Jeff Bowden and Scott Johnson; and firefighters Lance Wagner, William Miles and Marc Wells.

Several of the firefighters said they feared their jobs would be threatened if they talked about the problems inside the department.

"Everyone sitting in this room is worried to death about this," Taylorson said.

Davis puts it this way: "We are reluctant to talk because of significant fear of retaliation, being disciplined or fired."

According to the rules Phenix City employees must follow, an employee can be discharged for speech that "impairs discipline and harmony in the workplace" or "speech which jeopardizes close personal loyalty."

During the interview, firefighters laid out a litany of complaints, including:

- Disparity in treatment of union and non-union personnel.
- Intimidation, coercion, derogatory comments, threats and harassment of union members.
- Micromanagement.

They were vague about specific incidents, but focused on the general nature of their complaints.

An hour after the interview, Johnson asked that his name not be included in those who talked to the reporter. He did not make any comments during the interview. The next day, the chief asked that Johnson's name be excluded from the list.

'Disgruntled clique'

Capt. Mickey Hutchinson has been with the Phenix City Fire Department for 15 years. He said activity from the firefighters association is causing most of the turmoil.

"We have a clique that is disgruntled," Hutchinson said. "They don't like the way things are going, so they are causing turmoil."

He said the dissension is wearing thin in the department.

"Some people are getting tired of the crap," Hutchinson said. "People need to come in and do their jobs without worrying about the penny-ante stuff."

It is that "penny-ante stuff" that some union firefighters say is at the core of the problem.

Put the dispute in a fire house — there are three of them in Phenix City — and it just festers. Firefighters live and work together in 24-hour chunks.



Bowden



Gaskin



Taylorson

guys who complained he was hurt on the job," Hardin said. "He was working on swap time. He was on workman's comp. It's hard to insure two people at the same time when only one is working. What about the person who was supposed to be working? Were we also insuring him? The insurance company advised us not to do that."

The history

Past disputes have spilled over into the courts.

In May, a federal jury ruled against two former Phenix City firefighters who were asking for nearly \$1 million in damages for the loss of their jobs.

Randy Doster and Dennis Duty sued the city of Phenix City, former Fire Chief Ronnie Blankenship, former City Manager Bobby Gaylor, former Chief Prater, Chief Hunter and Assistant Chief Johansen.

The U.S. District Court jury in Opelika, Ala., deliberated less than an hour and a half before ruling in favor of all six defendants.

It wasn't the first time the city won a federal lawsuit.

In March, U.S. District Judge Myron Thompson of the Middle District of Alabama dismissed a \$6.2 million lawsuit against Phenix City. Phenix Lumber Company filed the suit against the city and Blankenship, alleging the former chief refused to let firefighters battle a sawmill fire in 1998.

In 2001, Doster and Duty accused Blankenship of instructing firefighters to let the sawmill burn. Blankenship denied the charge. Duty and Doster claimed their problems in the department started after those allegations.

Duty was the president of the firefighters association. When he lost the lawsuit, Davis became the association's leader.

Jim McKoon, a Phenix City attorney who represented the city in both federal lawsuits, said the complaints from the firefighters are the same ones two juries heard from Duty and Doster.

"We won at every turn," McKoon said. "Every time you put this in front of a jury or fact-finder, they can see what's going on."

McKoon said he has advised Hunter to run a tight ship.

"The last three fire chiefs have tried to

Robert Gaskin, 40, has been with Phenix City department for more than 20 years. He is less than nine years from retirement that would pay him 60 percent of his top three annual salaries.

He has applied for a civilian job in Louisiana. "I would rather go do that and take a risk in a combat zone riding a big red truck than stay here that says 'shoot me' than be here," Gaskin said.

Some have already left.

Since January 2000, there have been 10 employees to leave the Phenix City Department. The departures break down the following way:

- Twenty-one employees resigned.
 - Three employees retired.
 - Two employees went out on medical disability retirement.
 - Three employees were dismissed.
- Don't read too much into those numbers, the chief said.

"People want to distort that," Hunter said. He points out that firefighters left for career advancement and relocation reasons.

How does it end?

One of those people who resigned was Bubba Stephens, who spent 14 years in the Phenix City Fire Department. Hunter Stephens told him when he left in April 2000 to concentrate on his second job as a landscaper.

That is not the only reason Stephens says he left the force. He says he was tired of what is happening in Louisiana and Mississippi and he misses his job.

"One of the reasons I left was I thought it was going to get any better," Stephens said.

He said others are talking to him about walking away.

"They look at us like we are rebels," said Stephens, 39. "But if you beat them down, he will turn around and fight you."

Taylorson and the other union firefighters say they are looking for a change. That is part of the reason they sat for the interview.

"I hope the right person hears it and comes in to help," Taylorson said. "I want to be a citizen, the city manager, the council. We're just looking for a savior."

It is time for those who have problems with management to make decisions, the chief said.

"I am sick and tired of it," Hunter said. "If it is too much on people, they need to make a decision on which direction they need to go."

The union firefighters say they hear the same thing from command staff on a regular basis.

"Basically, if you are not happy you need to leave, that is what we have heard several times," said Sgt. Anne Land. She is a seven-year veteran of the Phenix City department.

not make any comments during the interview. The next day, the chief asked that Johnson's name be excluded from the list.

Disgruntled clique'

Capt. Mickey Hutchinson has been with the Phenix City Fire Department for 15 years. He said activity from the firefighters association is causing most of the turmoil.

"We have a clique that is disgruntled," Hutchinson said. "They don't like the way things are going, so they are causing turmoil."

He said the dissension is wearing thin in the department.

"Some people are getting tired of the rap," Hutchinson said. "People need to come in and do their jobs without worrying about the penny-ante stuff."

It is that "penny-ante stuff" that some union firefighters say is at the core of the problem.

Put the dispute in a fire house — there are three of them in Phenix City — and it just festers. Firefighters live and work together in 24-hour chunks.

"Nothing is a secret in the fire department," said Assistant Fire Chief Kenneth Johansen.

At the center of the complaints is a threat to change the firefighters' work schedules. The department has already eliminated "swap time," a practice that allows a firefighter to swap a shift with another firefighter. It allows flexibility for educational advancement and time off for personal reasons.

The practice was eliminated by former Chief Jerry Prater in January. Other fire departments, including the Columbus Fire and Emergency Medical Services Department, allow swap time.

This move upset a number of the firefighters. They say swap time was used to maintain and achieve educational requirements of the department. Currently, none of the Phenix City firefighters are enrolled in the fire sciences courses at Chattahoochee Valley Community College. Such courses are needed for firefighters to get promoted.

Taylorson, a 10-year veteran, said he has used swap time to spend time with his family and do community service.

"It allows me to coach ball," he said.

In an Aug. 3 memo to Phenix City Manager Bubba Roberts, Hunter defended the elimination of swap time.

"Swap time was abused by some employees so they could work their part-time jobs," Hunter wrote.

Mayor Jeff Hardin said swap time was eliminated because of concerns from the city's insurance carrier.

"It stemmed from a lawsuit by one of the

against Phenix City. Phenix Lumber Company filed the suit against the city and Blankenship, alleging the former chief refused to let firefighters battle a sawmill fire in 1998.

In 2001, Doster and Duty accused Blankenship of instructing firefighters to let the sawmill burn. Blankenship denied the charge. Duty and Doster claimed their problems in the department started after those allegations.

Duty was the president of the firefighters association. When he lost the lawsuit, Davis became the association's leader.

Jim McKoon, a Phenix City attorney who represented the city in both federal lawsuits, said the complaints from the firefighters are the same ones two juries heard from Duty and Doster.

"We won at every turn," McKoon said. "Every time you put this in front of a jury or fact-finder, they can see what's going on."

McKoon said he has advised Hunter to run a tight ship.

"The last three fire chiefs have tried to reason and have been out of a job," McKoon said. "My advice is to run this thing like you are a drill sergeant on Parris Island. Everybody at the top can't be wrong."

Decision time

Sgt. Jeff Bowden has been a Phenix City firefighter for nine years.

He has watched the turmoil during his career and said it is reaching a critical stage.

"It has grown and grown, like a pimple that has come to a head," he said. "Something is going to pop."

Council member Ray Bush tried to mediate the differences between the firefighters and the city. He was limited in what he could do because the city's charter strictly prohibits elected officials from getting involved in personnel matters.

His observation: "You have a bunch of young folks that can't seem to realize you got to go to work every day with a good attitude," Bush said.

Bush is convinced the problem will take care of itself.

"In time, the problem will go away," Bush said. "But we have got to have a little more give and take."

Some of the firefighters say they are looking to leave.

Three have applications in with the Columbus department, although they would have to take a pay cut to work on the other side of the Chattahoochee River. Other firefighters have applied for jobs with other departments in the region.

walking away.

"They look at us like we are rebels," said Stephens, 39. "But if you beat a down, he will turn around and fight you."

Taylorson and the other union firefighters say they are looking for a change. That is part of the reason they sat for the interview.

"I hope the right person hears it comes in to help," Taylorson said. "I be a citizen, the city manager, the council. We're just looking for a savior."

It is time for those who have problems with management to make decisions, chief said.

"I am sick and tired of it," Hunter said. "If it is too much on people, they need to make a decision on which direction need to go."

The union firefighters say they hear the same thing from command staff on a regular basis.

"Basically, if you are not happy you want to leave, that is what we have been several times," said Sgt. Anne Laidley, a seven-year veteran of the Phenix City department.

Hunter said part of the issue is that firefighters have not learned to "agree to disagree."

"It is hard to resolve a problem when people resort to hate," Hunter said.

Glenn Hill, a Phenix City firefighter for four years, just wants the bickering to stop. He is a member of the union, but was not present at the group interview last week.

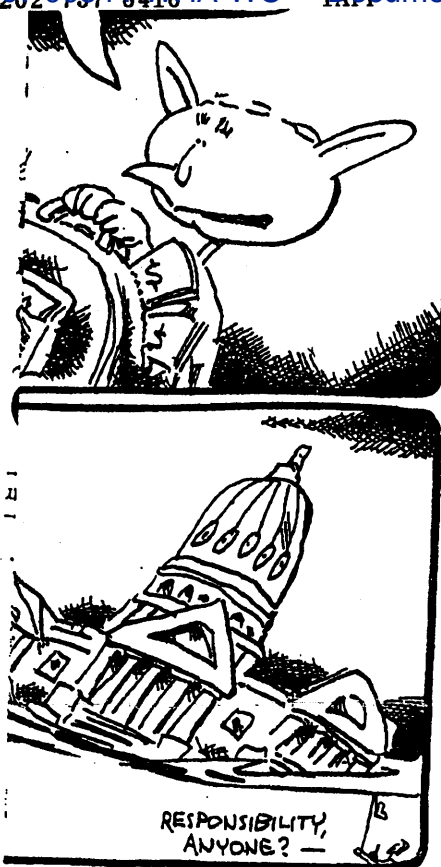
He sent the following e-mail to the Ledger-Enquirer:

"I would like to start off by saying that working in the fire service, it is a rewarding job. As far as the problems exist in the Phenix City Fire Department, I can't tell you why they exist but I can tell you that they do. Since I have been employed in Phenix City there has been constant turmoil. I have been called to the phone department to give statements about chiefs arguing. I have been in meetings where I have been told that my hours could change at anytime because there were letters published in the opinion column of the newspaper. I have been told that the people do not like us and thinks we are lazy. I just want to go to work every day and do my job. ... The unfortunate thing is that I believe there are some very good people in this department. Several of these people have expressed to me that they were seeking employment elsewhere. I just wish that the department, from top to bottom, could work as a team and communicate to fix the problems that exist."

Contact Chuck Williams
at (706) 320-4485 or
chwilliams@ledger-enquirer.com

EXHIBIT

5



its heart atters

are clamoring to influence decisions letter of the constitutional law. justice for the poor be the same as the men and equal for all races. Since on as to when human life begins and tion, the issue does not belong in a

just goals can never be achieved by f goals will be rendered less worthy if e to achieve it. good judge is that he/she should judge g others and be of good character. They le leaving room for as much . They should not be influenced by

ake of this nation, I hope not.

A.J. KRAVITIN, Columbus

in the letters section from Larry Martin edger for its coverage of Dr. Tidwell patriotic undertakings here in name is also Larry Martin and I live in ajor pharmaceutical company and in lews of the Larry Martin of Columbus. ue with the other Larry Martin and

Past time for real leadership

For some time now we have seen the barroom brawl that is the Phenix City Fire Department played out on the pages of this and other newspapers, in public meetings and behind closed doors. Those actually involved have been living it for longer than that.

In a nutshell, it's a mess. Management and a large faction of labor are practically not speaking to each other, and when they do, they use language their mothers would not appreciate.

Some firefighters claim that their work-related complaints are met with threats to alter their work hours, or worse. Management has eliminated what's called "swap time," a practice common to fire departments which allows firefighters to alter their schedules to pursue education or a second job.

Meanwhile, leaders in the department say they're only doing what's best for all, and if it's not anyone's cup of tea, they can look elsewhere for work.

This firehouse Hatfield and McCoy routine has to stop. It is time for someone in Phenix City to step forward and show some leadership.

And, just for the record:

- Saying, "Love it or leave it," is not leadership.
- Neither is incessant griping.

This should not need saying, but apparently it does. Firefighting is one of the most essential missions in municipal government. It demands teamwork and trust at a level few jobs require; and a lack of those things can be fatal — literally. That fatality could be a firefighter or a taxpaying citizen.

So far, thank God, we have not heard of any catastrophes stemming from this feud, but the situation is only getting worse.

Eventually, we're going to see someone step up and fix this situation. We hope it is before something terrible happens.

Audit makes sense

Muscogee County School Superintendent John Phillips wants an outside agency to audit the school district's Plant Services Department. Page 54

Bush isn't obligated to speak

Cindy Sheehan has had her audience with the president. He is under no further obligation to be at her beck and call. She is starting to look very shrewish.

I have a son in the armed forces and if he should die in the service to his country, I would not disgrace his memory by ranting at whomever is our president.

RICHARD A. VALENTINE, Phenix City

Just answer the mother's question

Cindy Sheehan has a simple question. George Bush gave a speech in which he said that the soldiers recently blown up in Iraq died for a "noble cause." She wants him to tell her what the "noble cause" is.

The rest of us want Bush to explain how it is that Americans are still dying more than two years after the liberation of Iraq, 14 months after the sovereignty "handover," and seven months after their elections.

We want to know why it was that the "intelligence and facts were being fixed around the policy" of going to war in Iraq some eight months before the invasion.

We want to know why Halliburton has been awarded billion dollar contracts to build permanent military bases in Iraq.

We want to know why the U.S. turned down the offers of peacekeeping troops from our allies - including Jordan - and from the U.N., which would have got us out of Iraq in 2003, but which would have left security in place to protect the Iraqi people.

We want to know why troops and support aircraft were taken from Tora Bora region of Afghanistan, where they had Osama bin Laden trapped or contained, and sent to areas near Iraq to prepare for the invasion and hunt for Saddam.

We want to know why the top Republican leadership won't admit what the military in Iraq has already said publicly in June of 2005: That "this insurgency is not going to be settled,

Letters

the terrorists and the terrorism in Iraq is not going to be settled, through military options or military operations. It's going to be settled in the political process." — Brig. Gen. Donald Alston, the chief U.S. military spokesman in Iraq.

"We can't kill them all. When I kill one I create three." — Lt. Col. Frederick P. Wellman, who works with the task force overseeing the training of Iraqi security troops.

JAMES FINKELSTEIN, Albany, Ga.

Hugley's answer is not acceptable

I read a letter in Saturday's Ledger-Enquirer questioning the progress of the new animal shelter. I recently contacted our city manager concerning this same matter. The following is his reply dated July 28, 2005:

"The committee has hired an architect, drafted bid documents and received bids. Unfortunately the bids came in over budget. They will value engineer to get the cost down and within budget or the committee will continue to raise private dollars and build the facility as designed." Isaiah Hugley

What he meant to say: "We have drug our feet and finally hired an architect, drafted bid documents and received bids. Of course the bids came in over budget, what did you expect? They will value down (fancy words for, cut out some items), that were approved by the voters, to get the cost down.

Surely you don't expect us to follow through with what we promise. Or the committee will continue to raise private funds, (funds already supplied in good faith by the taxpayers) and build the facility as designed."

In other words, it's not our fault if you

don't get what you want. This is the same reasoning that defeated the the city manager and the mayor. I don't get it.

I replied to Mr. Hugley that this was not acceptable. Other items on the SPLOST, for a few of the "special" have been taken care of, regardless of cost. If we continue to accept the "scratch yours" mentality coming from the Government Center, we deserve what we get.

GERALD BEDGOOD,

Firefighter letter was off base

It is evident that the gentleman Seale who wrote the letter concerning the malcontent of the Phenix City firefighters is ignorant of the duties firefighters perform.

When you choose this profession you go through a rigorous training process before becoming a firefighter. You constantly training and attending classes on duty and off duty. There is such thing as eight hours sleep time. You answer calls all through the night just as you do in the day.

I would challenge this writer who thinks it is so easy to put on a war coat and pants in the hot summer build a huge fire and then go stand for 30 minutes to an hour. I would further challenge him to put on his warmest clothes on a cold winter night go outside soak himself with a hose and stay outside for a few hours.

When a firefighters shift is scheduled for a family birthday, anniversary or holiday he is on duty and has to make these.

Many firefighters do have second jobs as he claims, but this is due to the pay. And these jobs are secondary fire service, because all firefighters on 24 hours call seven days a week.

This gentleman says hats off to Mr. Roberts. If he should have an emergency situation maybe he should call Mr. Roberts.

WAYNE POOLE, S.

Firefighters earn respect

This is in response to the letter about firefighters "crying" about their 24-hour shifts.

First of all, firefighters love their 24-hour shifts and have not complained about that.

Second, firefighters do not get eight hours of sleep time, as the letter claimed. The reality is they respond to calls for help the whole 24-hour shift. Many times, they get only a limited amount of actual sleep time. If you're going to attack firefighters, tread lightly and at least get your facts straight, because as member of this community, I will tell you, we will stand behind our firefighters.

I think it is a disgrace that a Phenix City building inspector, and a direct subordinate of Bubba Roberts, would kiss up in the paper by trying to trash our community's heroes, whom we love and respect! There is plenty of time to play kiss-up to Mr. Roberts at work.

Also, if you think that being a firefighter is such a good gig and you are man enough for the challenge, then fill out an application. Remember this, though: Firefighters risk their lives for people they don't even know, each and every time they enter a building that is on fire. They have a lot more to fear than paper cuts.

I am wondering how many building inspectors gave their lives on 9/11/2001. There were 343 firefighters, not to mention about 100 firefighters who sacrifice their lives on the job every year.

Don't insult our firefighters by questioning their level of dedication. I think it is ignoble to try to lessen such a commendable occupation or group of people.

ROBIN McDANIEL, Phenix City

Health and help

Last spring, ABC veteran news anchor Peter Jennings shared with America that after years of smoking, he had been diagnosed with lung cancer. Jennings lost his battle at age 67.

While we mourn the death of someone as well-known as Peter Jennings, smoking takes thousands of loved ones from families right here in Georgia by causing cardiovascular disease, stroke and emphysema, as well as cancer.

Fortunately for Georgia smokers, in 2001 the Georgia Department of Human Resources (DHR) launched the Georgia Tobacco Quit Line. The Quit Line (1-877-270-STOP or 1-877-2NO-FUME for Spanish speakers) provides free counseling, a resource library, support and referral services for tobacco users ages 13 and older. Smokers have reported marked success in their efforts to go smoke-free thanks to the Quit Line. To date, more than 40,000 Georgians have called the Quit Line for help.

Take your first step today toward being healthier

Letters

and cancer free by calling the Georgia Tobacco Quit Line. If not for you, do it for the people love you.

STUART T.

Director, Georgia Division of Pul

Heartbreaking

How many times can your heart break? We see the anguish and the terrible loss of John Sue Henderson, thoughts turn to all the other wonderful men and women who have paid the ultimate price, leaving such grief that no one those who have been there can know.

I worked with Dr. John Henderson for many years, including the time that he himself was in the Gulf War, and I saw and felt the anguish of a comrade, Dr. Mark Connelly, didn't make home. I only hope that the city of Columbus continue to pray for this family, do something in John's honor, donate blood, walk that extra mile for a day, give up cigarettes, make a memorial donation.

What else can we do for this dear family? Others who have lost their love ones? Pray that it will soon be over. Godspeed John; tell Mr. Henderson we miss him to this day.

JOYCE BARTLEY

Simple compassion

This is in response to a letter (Aug. 2) in which the writer claims never to have had a pet die a "death" by a vet, but lets them die a "natural" death.

As a 30-year owner and lover of many dogs, saddened me to hear one express such callousness and utter disregard for the feelings of a family member, an animal which no doubt loved its owner completely.

This kind of mistreatment should have stopped with the advent of modern veterinary medicine. The writer seemed more concerned with getting the pet on its "last ride" than with the animal's suffering.

I have felt it necessary to have seven old dogs euthanized (the correct and nicer way) within the past two years.

I refuse to let a dog suffer. We claim to be a civilized society.

CALVIN W. WEI

Five Phenix City officials a break

Recent letters have been criticizing Phenix City for abolishing swap time. The truth about swap time is that only one or two firefighters have used this privilege for educational purposes in the past several years. Most of the firefighters used swap time for personal use or to work part-time jobs. They use it when they couldn't get the day off because another firefighter was already scheduled to be off for that particular day. Swap time is a privilege and not a benefit. The overtime that is being used is to cover personnel shortage due to three firefighters out on disability, three in training, and personnel who have to use their vacation time before the fiscal year has ended. The city provides all the training that firefighters need to perform their jobs. This includes firefighting, emergency medical services, and hazardous materials. This is at no expense to the firefighter. Training a firefighter is not cheap. There are currently three firefighters in training. The city also provides training to firefighters so that they can prepare themselves for advancement. Firefighters can obtain their degrees online, through the internet. Local colleges such as Tallapoosa Valley Community College are offering several courses each semester. It shows anyone to pursue an education. If there is any school system or local business willing to give their employees time off or swap time to advance their education. The city and the Firefighters Association supported heavily for Mayor Hardin and council members during the last elections. Now they are turning on them because they don't get what they wanted.

MICKEY HUTCHINSON
Phenix City Fire/Rescue

Suit to firefighters

The August 12 letter "Quit the griping" in the city bashes the Phenix City firefighters wanting better working conditions. The author says one of the most disgusting things is to say to someone in public service: "I know what the hours were when they took the job" and then: "Let's not forget that our firemen hold another job . . . where you can earn as much money and sometimes more."

Letters

would be terribly upset if those firemen took too long to get to his house because they were too sleepy to get up and respond quickly. But if they were sleeping and had to respond to a fire, they would do it quickly and professionally, and stay as long as it took to finish the job, even if it took them late into the next day. All the while their children might be upset because they woke up and their father (or mother) was not there, even though it was their day off.

May I ask the author: Do you work two jobs to make a good living for your family? It is a shame that these firefighters must work a second job to make a living, provide health insurance and retirement, all the while protecting your family and mine.

Disagree with the "poor firemen of Phenix City" if you must. You certainly have that right. But do not insult them as you did!

BILL DENNIS, Phenix City

On the ball

Twice last week two adult men attempted to discuss my daughter's school assignment and personal information with employees at the Columbus Roberts Center. They both failed in their attempt.

The first call was handled by Karen Defenbaugh. She got as much information from him and about him as she could, but never discussed my daughter with him. She told him she could not. Then she called me to report it and offer assistance. I thanked her, and thanked God that she was so conscientious.

The second call was directed to and handled by Jennifer Allen. She too refused to discuss this matter with the brother of the first caller.

These ladies were on top of things. They were experienced and did exactly what they should have done. I am grateful for both of them and the system we have in place.

These ladies, along with all of their co-workers, are put through a wringer on a daily basis this time of the school year. The crowds, the restless kids, the angry and fussing parents, on top of the massive amount of paperwork must be daunting.

Then add to the mix the fact that they are in one of the oldest, most dreary buildings the school system. Its design doesn't lend itself well to the type of crowds they must serve.

I want people to recognize most of the citizens behind the scenes of the school system as good, caring caretakers of our children's welfare. If these calls had been mishandled the outcome could have been devastating.

Thank you, ladies.

N.B. HARRIS

Retail class warfare

Call me cynical, but I smell a rat in the air after reading the Ledger's report of rezoning nearby Columbus Park Crossroads. A chain like Wal-Mart can build a superstore in North Columbus where new commercial businesses are bursting at their cash registers. So far, the people of Columbus have struck out getting what most of America has enjoyed for years, namely, a one-stop discount retailer with a great supermarket inside.

When Hyatt describes the members of the council as biting their collective tongue on the subject while two self-interested leaders introduce the routine red herrings of traffic studies, too much urban sprawl, broken promises, and cries from the tree-huggers for more trees to block the views of retail businesses, the devil appears in the future details of our typical council back-room deals.

It seems that Columbus politicians continue to exhibit their cultural penchant for a bit of economic white supremacy for Columbus while Columbus South is supposed to be developed strictly for industrial use, an occasional lower class strip mall of stores and coupon-driven eateries.

The well-to-do will never want a Wal-Mart Supercenter in their midst and will also fight to keep the masses away from their favorite upscale establishments. Those movers and shakers in Columbus who always had special keys to the private of our mayor and councilors will always their way, and the average blue-collar citizen will never be given a voice on matters as where the city should or should not permit construction and zoning for stores the working class likes to shop.

JOSEPH A. BLAIR

making the attempt.

I have failed at more things than any other single person I know, but I've learned a lot of the pieces of truth about myself. This knowledge makes what has seemed to be many terrible failures turn out to be a slow, unmistakable education.

I read an old book that said a task one faced in building a ship was not so much in the sails but how to lay the mast in order to balance the length of the wind in the boat, so as to steady the boat without it slowing down or peeling. This old story said a real test to building a fast ship was not how much sail it has, but how the ballast works out.

I've been told this is a faulty explanation of how a ship works, but I think anyone can get the old book's point. My personal knowledge of ships is based on that 245-year-old book. I've never built or sailed a ship.

I know full well that life gives one chances to have any sails. A middle-aged man's the chance to catch a lot of long wind. Who wants to grow old without having let the sails out for all they're worth?

Having capsized more than once, I appreciate the importance of ballast. And last is what I find in my conversations with others.

I can write to David Clark at P.O. 148, Cochran, GA, 31014, or by e-mail at DavidClark@outlook.com.

As a citizen of Phenix City, I am concerned with the state of our public safety. I have recently been informed of a situation involving the Phenix City Fire Department.

The city manager and fire chief have ignorantly decided to do away with swap time, which allows our firefighters to further their education at local colleges. They have been told to use their vacation time to go to school. In addition, they do not even get enough vacation time to finish school.

We have firefighters who do not have a degree in fire science. They were asked to take a break from school to complete fire training and have since not been able to finish because of this ignorant move.

Swap time does not affect the budget. The firefighters do not get paid overtime for swap. In fact, the city is using more of the taxpayers' money to pay overtime to cover shifts that cannot be covered due to a shortage in staff when firefighters have to take vacation instead of swap time.

So why would there be any reason to do away with it? Why shouldn't the men and women who protect us every day be allowed to go to school and better themselves in their profession? Are the fire chief and city manager so ignorant they believe that this move will not hurt their fire department? Are they afraid of the firefighters becoming better educated than themselves?

I believe that we the tax-paying voters deserve an explanation, perhaps in writing, from those who made this decision. I also believe that the swap time should be reinstated immediately so we can be confident that the lives of our families and friends are in the hands of competent, educated men and women.

E. ROBERTS, Phenix City

Public safety suffers

I have had to sit quietly because of litigation with Phenix City. It's time for the citizens of Phenix City to know the truth.

Bubba Roberts commented during a city council meeting that, "The building department was going to put the fire department out of business." Roberts made the same comment during a closed-door meeting one month earlier. He was not joking!

Letters

90 percent of the time, firefighters are on the scene first?

Roberts would like to see this service stopped. Roberts cares nothing for the citizens' safety.

Short-staffing puts firefighters and the public safety at risk. NFPA Standard 1710 governs minimum staffing levels for fire departments. Roberts said, "Phenix City will never adopt this standard." How can three firefighters fight fire and save lives during a structure fire?

Swap time is used in every fire department across the U.S. This enables men to work for each other. When a firefighter swaps, it saves the city money. Because of Roberts' vendettas, he cut this out. This is not good management of city funds.

Ask firefighters wearing the blue shirts. Hardin attended a meeting with 30 firefighters where issues were raised. Hardin stated "help is on the way." But they have received nothing but threats of changing working hours, termination and disciplinary actions. A true leader does not lead by threats and intimidation, which is Roberts' style of leadership.

Letters appeared in this newspaper addressing these issues. An Aug. 1 meeting was held by Wallace Hunter. Hardin and Roberts were furious over the letters. The men were threatened with changing their work hours. Is this the kind of leadership that Phenix City has? If so, the citizens and firefighters will suffer.

DENNIS DUTY, Buena Vista, Ga.

A gracious lady

What a lovely way to start the day — seeing my friend and mentor Caroline Dean's picture in the paper.

Caroline Dean is one of the most gracious, sharing people I have ever met. And how we met is quite a story itself.

I was doing research on the internet for my *Threatened and Endangered Wildflowers of Georgia* project and subsequent environmental teaching

One of the most incredible wildflowers up on my computer screen. I was over the beauty of the flowers and the info this site had to offer. I immediately with the site and told them how impressed with all the information and how beautiful wildflowers were photographed. I expected a Georgia artist doing research on and needed help. I immediately got a that whatever help I needed would be available.

Be reminded, that all I knew was that wanting to help me was somewhere on World Wide Web... then I got an invite to visit their library and see some of that were in bloom at that time. My friends were "Where will I be going?" I soon Caroline Dean lived in Opelika, Ala., be going very far at all to see a plethora and reference material.

We were instant friends. I shared it shared her expertise. What lovely day sharing our love of nature and art. I will ever forget the wonderful days of Caroline Dean, truly a gracious lady! her, this world is definitely a more beautiful place.

GERI M

Thanks for kind gesture

I am writing this letter to say thank you morning of Aug. 8, I stopped my path drive-through at the Krystal restaurant Mall. I waited for the vehicle in front away. I pulled up to the window and attendant that the person in the car I paid for my breakfast and left.

I tried to find the vehicle but the person driven away. Many times, officers feel don't care about us at all. Then one across one of the many caring, wonderful such as this who reside in Columbus

This was a wonderful act of kindness appreciated it. I'm sure that person a small act, but to me it was huge. This such a kind act that made me feel appreciated and joy that would mean unless

paying outrageous legal fees and court costs. who have sat on a jury and attempted to aine what was presented as a fact supported lence and how the law applies to the situation quite well that it's the jury that holds the lion's of the burden and responsibility for the uences of court actions.

U.S. Constitution offers little legal basis for stom of appointing lawyers to the bench. is not even a constitutional provision that a lifetime appointment to any federal bench. ally, to the contrary, our Constitution implies justice would serve a limited term of office t specifically provides that judges' nsation "... shall not be diminished during ontinuanee in office."

nk it's about time our U.S. Supreme Court is l with a representative balance of all sional elements of our society just like our ess. With nine members on the court, there arely be nine different professions that can fter the true legal interests of the American . One justice from each would suit me fine. next, let's have 15-year term limits.

JOSEPH BLAIR, Columbus

course with manners

that we have been treated to, or subjected to iding on your point of view) the non-event around the city, i.e., Bill Madison's alleged st threat made to the shout-and-pout aded monster employed by WRCG to host ie, perhaps much of the city will arrive at the of the situation: Talkline is to public rse as professional wrestling is to athletic titution; it is the Jerry Springer Show without nefit of nudity.

current hosts of this long-running program progress through a single phone call without ver the caller, making rapid-fire comments both intellectual merit and entertainment and reminding us of their well-held opinions, f which can withstand factual or logical y. Apparently, anything more than a few ls without hearing the sounds of their own and an affirmation of their own shallow results in pathological dissolution of the self, : would seem.

is were the only public forum available to our

others, and prefers a host who listens to and considers the caller's thoughts before responding, may I recommend Russ Hollenbeck's morning show on WCGT-TV. It is an ideal forum for those who prefer to listen before speaking and the tenor of the show is as warm and comfortable as an old pair of house shoes. Drop by and join the discourse. And please, bring your manners. We have come to like it that way.

BOBBY OLDS, Columbu

Move makes no sense

As a professional educator and a concerned citizen for public safety, I think it is absurd that the city leaders in Phenix City would eliminate "swap time." I do not know much about being a firefighter, but I do know the importance of an education. If "swap time" gives our firefighters the ability to attend college and other various training opportunities to develop into better fire service professionals, it should be reinstated immediately.

An education is very important in today's world and I am sure the fire service is no different. If our city leaders are not allowing our firefighters the opportunity to seek a formal education, then they are cheating us the public out of the potential of our firefighters in developing into highly trained and qualified emergency responders.

I would like to know why our city leaders would even think it is acceptable to take away a policy that allows our firefighters to go to college, at their own expense. Is it a cost issue? If it is, I have this message for our city leaders: If you think an education is expensive, try ignorance.

At this point I am concerned as to what education level our city leaders have. Is it that they themselves are not formally educated? I would think that a city manager or fire chief would have to have at least a four-year degree and fully understand the importance of a formal education. Yet, by their actions of taking away "swap time," I would venture to say they do not. As a tax paying voter and professional educator, I want our firefighters to have the ability to advance their education as far as they desire; if the current city leaders can't resolve this public safety issue, we the voters will at election time.

CRESTA GILBERT, Phenix City



Ledger-Enquirer

Write:

Letters to the editor
Columbus Ledger-Enquirer
P.O. Box 711
Columbus, GA 31902-0711

Fax:

(706) 576-6290

E-mail:

letters@ledger-enquirer.com

Letters must be no more than 300 words.

Include your name, address and daytime telephone number for confirmation.

All letters are subject to editing.

We reserve the right not to publish any letter.

ments and the city in order to relocate residents and demolish the buildings in the triangle. A facilities to the riverfront Housing Authority property. It will cost an estimated

P.C. Fire Dept. defends swap time decision

By Michell O'Rourke-Cole
Journal Staff Writer
mikecole@azstarnetjournal.com

The letters to the editor are coming in twos. Another one showed up in the Ledger-Enquirer on Tuesday morning. The newspaper printing the letters is in Georgia and, according to officials who have researched the sources, the letters are coming from Columbus and Buena Vista addresses as well.

Quite honestly, the mood in Phenix City about this grand sort of frontal attack in print on the editorial page is bewildering.

The decision to elicitate "swap time" in Phenix City public safety departments-all Phenix City public safety departments-was established last January.

No one can figure out why this is an issue now or why people from Columbus seem so concerned about whether or not fire fighters in Phenix City can exchange days off with one another.

"Swap time is a privilege we had," said Capt. Mickey Hutchinson. "And it started out for education. Everybody had it. In the past several years, maybe two people have used it for education."

develop on the downtown.

Hutchinson has been with the department for 15 years. Although he received his degree in fire science by trading a day off or two in the last semester, he says now the courses are offered online and in cooperation with Chattahoochee Valley Community College and Troy University. With the current schedule of 24-hour shifts, only certain courses are conflicting with working hours. College instructors and full-time fire fighters generally resolve course requirements.

"Mr. Tommy Hill is the fire science instructor at CVCC," said Chief Wallace Hunter. "Mr. See Fire Page 7

During the regular scheduled meeting of the Lee County Commission, the fate of the Salem-Shotwell Bridge was discussed. John Ross from the Lee County Historical Society and members of the Opelika Kiwanis club presented proposals as to what they had in mind for the restoration of the bridge. Both groups were adamant about their ability to move the bridge to a location that would allow for everyone to see and enjoy the historical structure. However, during the meeting the Opelika Kiwanis club withdrew its proposal giving the Lee County Historical Society the opportunity to move forward with its plans. Mr. Ross, a member of the Historical Society is hoping to place the bridge in an area located at the intersection of Waverly Parkway and

area but Mr. Ross hopes to have the land donated. The Kiwanis club stated that they would be happy to step in if the plan made by Mr. Ross fell through.

In other business the commission voted 3-1-1 to award the low bid for the expansion of the Lee County Justice Center to Rabren General Contractors. Rabren General Contractors of Auburn submitted a bid of \$18.597 million. The commission also voted unanimously to go ahead with plans to ask for a lease extension for the Lee County Satellite office located in Smiths Station. The current lease will run out at the end of October and the county wishes to extend it until the end of 2005. The next meeting of the Lee County Commission will be August 29th.

We'd like to talk to you about nothing.

Nothing-Down for Vacation Homes and Investment Property Mortgages.

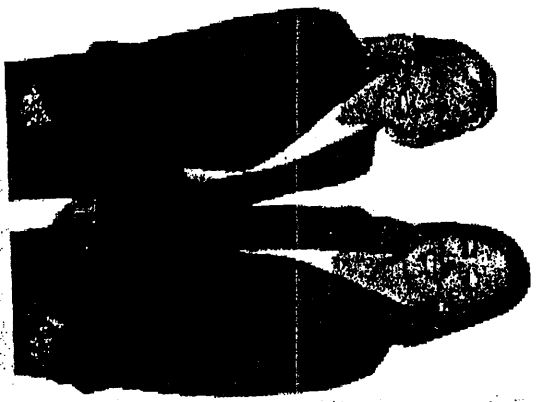
Saving for a down payment on a home not you down? With SunTrust's zero-down-equity mortgage, home ownership is no longer just a dream. We have lots of programs to help make buying a home affordable, even for people who thought they could never afford it. Want to learn more? Visit us at 1901 Stadium Drive, Suite A in Phenix City, GA or contact us at:

Jane Worthington
334-29/8112
suntrustmortgage.com/janew

Cathy Hodge
334-29/8115
suntrustmortgage.com/chodge

SUNTRUST

SunTrust Mortgage



Russell County

Continued from Page 3

most of the commissioner would be attending the annual County Commission Conference the week of August 22.

At the commission work session Commissioner Reed had Mrs. Horne-Jordan read into the minutes a proposal for a Russell County Historic Oversight Committee Board. He asked the commission to establish a "seven member board for the purpose of overseeing historic development, funding requests and historic preservation activities in Russell County." It was agreed to put it on the agenda for the commission meeting.

In the commission meeting, Commissioner Reed presented a motion to establish the board, but there were questions raised as to what exactly the board would do and what its limit of authority would be.

Commissioner Martin said she was "concerned that we are creating another government level."

Commissioner Lee said there all ready was a requirement for anyone using any property or funds of the county to come before the commission for permission. After further discussion Commissioner Epps requested that the attorney review the proposal as written before they make any decision. Commissioner Reed asked in. I th... is l... ..

side of the road which obscured the view around a curve. She said that five months ago she had met with Commissioner Upshaw and then County Engineer Cal Markert, but the problems still existed.

She also complained that Kings Way was in serious need of grading and was a hazard to those living there because ambulance and fire service could not go down the road. The commissioners discussed the problem of county maintenance with interim County Engineer Harry Ennis.

Commissioner Epps asked the county attorney, Mr. Upshaw and Mr. Ennis to do research on the status of the road and then contact Mrs. Colbert with the results.

During the work session the commission discussed courthouse security and the need for guidelines on what would and would not be allowed in the courthouse.

In response to their request, the sheriff sent a statement to the commission meeting which read: "Warning No weapons or ammunition allowed in the courthouse except by authorized law enforcement officers. All briefcases, purses, carrying cases, packages, etc. are subject to inspection at entrance to building. No knives of any size, razors, scissors or Leatherman tools allowed in courthouse. No Exceptions.

Continued from Page 3

Hill has stated that all instructors have been asked by college administrators to make every effort to work with public safety employees."

With out of state fees eliminated, public safety employees have the opportunity to earn their bachelor's and master's degree from Oklahoma State University and Memphis State. Mr. Hill is the designated proctor for both universities and able to administer exams, Hunter said.

All fire fighters receive training and certification courses that are required by the Alabama Code of 1975. Phenix City pays the fees for many of the required courses and recertifications.

The memo explaining the changes in policy came on January 11 from Chief Jerry Prater.

"This is due to Workman

ities created for the City of Phenix City," the memo says.

In at least one case, a lawsuit was generated that involved "swap time." City officials say one of the authors of one of the "letters to the editor," Dennis Duty, brought the suit and has recently lost his bid for disability compensation from the city.

On June 15, Duty also lost a lawsuit that began in 1998 with a fire at Phenix Lumber. A jury found his claims against the city unsupported. Duty worked as a fire fighter until 2001 and was dismissed by the city. He has since sought workman's compensation insurance for a medical disability that reportedly occurred while on "swap time."

His cases against the city regarding his dismissal, his First Amendment rights and other claims have been dismissed. The city has been found in court to be without fault. Phenix City is not responsible for any compensation concern-

agreements.

To Mickey Hutchinson "swap time" is a non-issue and he says, it is not a problem with nearly all of the 50-plus men and women "on the job" in Phenix City.

"I know ahead of time what time off I need," he said. "I don't worry about it. With the budget crunches and revenue for the city going down, we do not lose a position."

Chief Hunter says the fire department is mostly "grateful." New equipment is supplied and updated frequently. Promotions are ongoing. His crew, their training and their gear are "second to none."

"The City of Phenix City helps us out whenever we need it," said Hunter. "They have bent over backwards so that we can provide proven service to the people of Phenix City. Every fire fighter here needs to have an attitude filled with gratitude."

C. E. Burton, Inc. aka

Bletcher's Gifts

C. E. Burton, Owner
Diane W. Cook, Sales

Phone 834-298-2525
Fax 834-298-2574



EXHIBIT

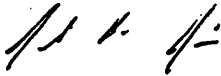
6

September 20, 2005

To whom it may concern,

On Tuesday September 13, 2005, on my off duty day and acting as President of the Phenix City Firefighters Association, Local-3668, I meet with and gave an interview with the local media on issues of the Phenix City Firefighters Association.

Respectively,



David P. Davis, Sergeant

EXHIBIT

7

STATEMENT

On this date, September 20, 2005, at or near 9:30 A.M., I was instructed by Assistant Chief Johansen to write this statement.

The purpose of this statement, according to Assistant Chief Johansen, was to specify what authorization I obtained to speak about city policies and procedures.

I was not aware that I needed to gain authorization to exercise my right to free speech. I firmly feel that everyone in the United States has this right or freedom. I feel pressured to write this statement, and feel that my rights are being questioned. Assistant Chief Johansen stated that lawyers (I assume for the city) are going to be looking at this statement, so I may seek legal counsel myself.


Robert Gaskin

On Tuesday September 13, 2005 I, Scotty Johnson attended a union meeting at Durango Mexican Restaurant in Phenix City, Alabama. The meeting was intended to have a vote on publishing an article in the Ledger Enquire about the Phenix City Fire Department. My vote was no to the situation. I also made it clear to the people that I disagreed to the whole idea. Half way through the meeting I got up and left. I made NO statements to the journalist.

Scotty Johnson

To Whom it may concern:

I firefighter William E. miles attended a union meeting on September 13, 2005 .
Two reporters attended the meeting and asked questions about problems in our
department. I did not answer any questions. I wanted to talk to let everyone know that
There is some stuff going on that I do not agree with but there's a lot of positive things
also. And that I want to work with administration to make my work place a happy place
for everyone I love my job and I hope everything will workout.

Sincerely ,

William E. Miles

F/F William E. Miles

I Lance M. Wagner was present at the meeting with the journalist in which the newspaper article appeared in the Columbus Ledger. I did not want to go through with the interview, but I will not deny my involvement. However, I did not find this to be a productive way to deal with any of the department's problems, and it has led me to withdraw from the association as of September 19, 2005.

Lance M. Wagner

To whom it may concern,

I was contacted by the journalist of the Ledger Enquire for my personnel views. The journalist advised me that he had spoken with the Fire Chief, City Attorney, personnel for the fire department and personnel for the city. I was not on duty during the time that I spoke with the journalist and I was told that the chief knew that the journalist was talking to other people on the department.

+ m L
Sgt. Land

September 20, 2007

Whom IT MAY CONCERN,

I F/F Brannon WILKINSON FEEL THAT THROUGH SGT. HUID DAVIS AND MY FRIENDSHIP, SGT. DAVIS HAS FELT COMFORTABLE ENOUGH WITH ME TO SAY SOME THINGS THAT HAVE BEEN OFFENSIVE AND ABUSIVE. IN MY JUDGEMENT I DID NOT REPORT THIS TO A/C JOHANSON BECAUSE I FELT THAT IT WOULD EVENTUALLY STOP. I WILL NOT BE BADGERED OR PUSHED INTO DOING THINGS THAT I FEEL IN MY HEART ARE NOT THE CORRECT WAY TO HANDLE SITUATIONS OR PROBLEMS. I FEEL THAT THERE ARE PROBLEMS IN OUR DEPARTMENT THAT NEED TO BE CORRECTED, THERE ARE CORRECT WAYS TO FIX THESE PROBLEMS. MANAGEMENT AND EMPLOYEES CAN WORK THESE OUT THROUGH COMMUNICATION FOR THE BETTERMENT OF ALL.

SINCERELY,

F/F Brannon Wilk

To: Assistant Chief Johansen

From: Sergeant Bowden

Date: September 20, 2005

Re: Article in the Ledger Enquirer

On September 13, 2005, I Robert J. Bowden attended a Fire Fighter Association meeting with a reporter from The Ledger Enquirer. The reporter asked questions about the fire department and statements that had been made by Chief Hunter at the meeting. I did comment on a couple of statements and I made a couple of statements, one of which was printed in the article. No one from the Phenix City Fire Department gave me permission to speak with the reporter from The Ledger Enquirer. The comments that were made by me were not intended to disrupt or cause controversy in the department.

On Tuesday August 13, 2005 I, James Marcus Wells IV attended a Phenix City Firefighter Association meeting at Durango Mexican Restaurant in Phenix City, Alabama.

I arrived around 1820hrs and the meeting, and the meeting had already started. The meeting was called in reference to the Association talking to representative of the Columbus Ledger Enquirer about how people felt about the way the fire department. While sitting at the meeting I observed the following people at the meeting Sgt. David Davis , Sgt. Scotty Johnson , Sgt. Jeff Bowden , Sgt. Ann Land , Sgt. Chris Ellerbe , Sgt. Karl Taylorson , Captain Bobby Gaskin , Firefighters, Eddie Miles , Lance Wagner. While sitting at this meeting a motion was raised to talk to the media, I disagreed with this, and stated that. Sgt. Davis was set on everybody speaking. I also observed other individuals in this meeting stating the same thing, such as Sgt. Scotty Johnson, Sgt. Ann Land, and Firefighter Lance Wagner. I then felt that this meeting was going to do nothing but make problems worse with in the department, and relations between the association, and the city government I, then left from the meeting and did not make any statement to any media personnel. I, do not know who spoke to the media during the meeting, I can only speak for myself. Too much embarrassment has been brought to this department by the actions of only a few.

F/F Marc Wells

James Marcus Wells IV

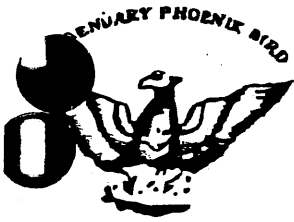
9-20-2005

EXHIBIT

8

05/11/2005 17:21 1543

PAGE 19



City of PHENIX CITY Alabama

601-12th STREET
PHENIX CITY, ALABAMA 36867

JEFF HARDIN
MAYOR

JOHN STOREY
COUNCIL MEMBER DISTRICT 1

GAIL BRANTLEY
COUNCIL MEMBER DISTRICT 2

ARTHUR SUMBRY
COUNCIL MEMBER DISTRICT 3

BARBARA GOODWIN
PERSONNEL DIRECTOR

WALLACE HUNTER
FIRE CHIEF

RAY BUSH
COUNCIL MEMBER AT LARGE

H. L. (Bubba) ROBERTS
CITY MANAGER

TO: Member of the Phenix City Fire Department

FROM: Wallace Hunter, Fire Chief WOH

DATE: September 20, 2005

Recently there was an article in the Ledger-Enquirer Newspaper regarding our department. Several fire fighters made comments in the paper that were likely to impair discipline and harmony in the workplace, impede job performance and jeopardize loyalty in this department.

While the City and this department recognize the right to free speech, that speech must be exercised in accordance with the merit system rules and regulations. This is especially true in a para-military organization such as our fire department. If any fire fighter has a specific grievance, it shall be presented in accordance with the procedure provided by the merit system. I encourage anyone with a grievance to follow the grievance procedure.

It occurred to me that some department members might not be as familiar as they should be with the merit system rules in regard to free speech and grievances. Therefore, I have attached hereto some of the pertinent merit system rules as they relate to free speech and grievances. These rules must be followed. The best way to build and maintain an effective and harmonious work environment is for everyone to know and follow these rules. Failure to follow the rules in the future will be dealt with in accordance with the merit system.

Copy of Merit System Rules and Regulations Section 2.054 Free Speech and Section 15.02 Employee Complaints and Grievances was received by employee on this date. Signed acknowledgement will be placed in employee's personnel file.

Employee Name

D. Davis

Date

09/20/2005

05/11/2006 17:21 1543

PAGE 20

MERIT SYSTEM RULES AND REGULATIONS

department head status, may contact his department head for advice and counseling, and an answer shall be given to the employee within three working days. If the employee is not satisfied with the answer, he shall follow the next step in the procedure. **Note:** If the matter involves sexual harassment, follow procedures in section 15.024 below.

- B. If the grievance is not resolved by the immediate supervisor to the satisfaction of the employee, or if the decision has not been made by the immediate supervisor within three days, the employee may discuss the matter with the next higher level of management. An answer shall be given to the employee within three working days. If the employee is not satisfied with the answer he/she shall follow the next step in the procedure.
- C. The employee may submit the grievance to the department head in writing. The department head, within five working days, shall render a written decision which shall state the problem, the applicable policy or regulation, and the reasons for applying the policy and decision. Copies of the department head's decision shall be forwarded to the employee, division head, immediate supervisor, and the Personnel Director. If the employee is not satisfied with the answer, he/she shall follow the next step in the procedure.
- D. The employee may submit the grievance to the City Manager in writing. The City Manager shall put in writing the decision he/she has rendered concerning the grievance within five working days from the receipt of the written grievance from the employee. The decision of the City Manager shall be final, and the employee shall have no further rights of administrative appeal.

15.024 PROCEDURE FOR PRESENTATION OF A GRIEVANCE INVOLVING SEXUAL HARASSMENT

- A. Any employee having a complaint involving sexual harassment may, but is not required to, inform the immediate supervisor. If the complaint involves the supervisor the employee will by-pass supervisory channels and report the matter to the department head, Personnel Director or City Manager as appropriate.
- B. Any official or supervisor who receives a complaint or has knowledge of an allegation of sexual harassment will advise the Personnel Department the same working day. No other discussion or disclosure of the allegation is permitted.
- C. The Personnel Department will immediately log the allegation and will open a file.
- D. The Personnel Director or designated representative will interview the complainant within 24 hours and will obtain specific information regarding the time, place, and circumstances of the above incident.

05/11/2006 17:21 1543

PAGE 21

MERIT SYSTRULES AND REGULATIONS

City Manager within three days of the completion of the hearing.

- G. In cases of disciplinary actions, the City Manager may accept the findings and opinion of the Personnel Board or may determine that the disciplinary action needs to be modified; the City Manager shall recommend a course of action to the Personnel Board. Within seven days after receiving the request, the Personnel Board shall reaffirm or modify its original findings and opinion in writing to the City Manager. The decision of the Personnel Board shall be final unless appealed by the City Manager to the City Council. The employee shall have no further right of administrative appeal. The employee and all parties affected shall be promptly notified in writing of the final decision.

- H. The City Attorney shall be present and represent the city at all Personnel Review Board hearings

15.02 EMPLOYEE COMPLAINTS AND GRIEVANCES

Disciplinary actions, dismissals, demotions, suspensions, fines, reduction in pay, position classifications and allocations shall not be subject to review as grievances.

Other complaints and grievances which an employee may have because of an action affecting his status or conditions of employment shall be handled in the procedure outlined in this section.

15.021 PURPOSE OF A GRIEVANCE

The primary purpose of a grievance procedure shall be to determine what is right rather than who is right. Free discussion between employees and supervisors will lead to a better understanding by both of practices, policies and procedures which affect employees. This will tend to identify and eliminate conditions which may cause misunderstanding and grievances. The intended purpose is defeated if a spirit of conflict enters into the consideration of a grievance. Supervisors and employees alike shall recognize the true purpose of a grievance procedure if it is to be of value in promoting the well-being of the City Service.

15.022 DEFINITION OF A GRIEVANCE

A grievance is a complaint--a view or opinion pertaining to employment conditions, to relationships between employees and supervisors, or to relationships with other employees. Disciplinary actions, dismissals, demotions, suspensions, fines, reduction in pay, position classifications and allocations shall not be subject to review as a grievance. (See Employee Appeals, Section 15.01)

15.023 PROCEDURE FOR PRESENTATION OF A GRIEVANCE

- A. Any employee having a complaint, (a view or opinion supported by facts), pertaining to employment conditions or relationships with his immediate supervisor or other employees (not involving sexual harassment) shall first discuss the matter with his immediate supervisor. The supervisor, if not

2.053 LIBERTY INTEREST

MERIT SYS

RULES AND REGULATIONS

The city recognizes that each employee has a liberty interest in his or her employment and will not disclose the reasons for any adverse personnel action without due process as provided in 2.051 above.

2.054 FREE SPEECH

The city will not discharge an employee for the exercise of his or her right to free speech unless the city can show a compelling interest in abridgement of this right and the employee has been granted due process. The right of employees to freedom of speech will not be abridged except in the following situations:

- A. Speech which impairs discipline and harmony in the workplace.
- B. Speech which breaches confidentiality or privileged information.
- C. Speech which impedes job performance.
- D. Speech which jeopardizes close personal loyalty.

2.055 EQUAL PROTECTION

The city will not discriminate against any classification of individuals regardless of whether the classification is prohibited or not prohibited by statutes.

2.056 FREEDOM OF ASSOCIATION

The city upholds the right of free association for employees which includes the right to join or not to join political parties and other groups.

2.057 THE RIGHT TO PRIVACY

The city will conduct workplace searches including drug testing only on the basis of reasonable suspicion that a prohibited activity may be taking place. Where public safety is involved however, such as with police officers, fire fighters and emergency medical technicians the city may conduct blanket or random drug testing.

5/11/2006 17:21 1543

PAGE 23

**CITY OF PHENIX CITY
FIRE DEPARTMENT**

ASOP 12

ADDRESSING CITY COUNCIL

PURPOSE: *To insure the orderly handling of work-related business of the Fire Department personnel.*

SCOPE: *This procedure shall be followed by all members of the Phenix City Fire Department.*

PROCEDURE:

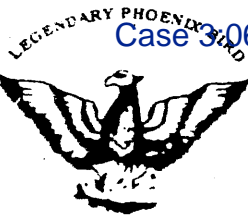
1. *If a member of the Fire Department has a problem with the Department, a Department, or City operations or procedures which are work-related and finds it necessary to go above his/her immediate supervisor, he/she must notify the supervisor of the intention to do so.*
2. *If a member of the Fire Department finds it necessary to go outside the Department, the Fire Chief will be given a reasonable time to make an appointment with the Public Safety Director.*
3. *If a problem cannot be solved by anyone in the chain of command, then the City Manager will arrange a hearing with the City Council.*
4. *If any Fire Department member appears before the City Council or directly contacts City Council members about work-related problems without following these procedures, they will be subject to disciplinary action in accordance with Section VI of the City of Phenix City Personnel Policies.*

If a member of the Fire Department has a grievance, that member must follow the grievance procedures as outline in Section XV of the City of Phenix City Personnel Policies.

JANUARY 1998

EXHIBIT

9



City of **PHENIX CITY** *Alabama*

601-12th STREET
PHENIX CITY, ALABAMA 36867

JEFF HARDIN
MAYOR

RAY BUSH
COUNCIL MEMBER AT LARGE

JOHN STOREY
COUNCIL MEMBER DISTRICT 1

GAIL BRANTLEY
COUNCIL MEMBER DISTRICT 2

ARTHUR SUMBRY
COUNCIL MEMBER DISTRICT 3

H. H. (Bubba) ROBERTS
CITY MANAGER

BARBARA GOODWIN
PERSONNEL DIRECTOR

MARTHA HARRIS
CITY CLERK

TO: All Employees

FROM: H. H. Roberts, City Manager

DATE: September 20, 2005

Recently there was an article in the Ledger-Enquirer Newspaper regarding our fire department. Several fire fighters made comments in the paper that were likely to impair discipline and harmony in the workplace, impede job performance and jeopardize loyalty in the department.

While the City recognizes the right to free speech, that speech must be exercised in accordance with the merit system rules and regulations. If any employee has a specific grievance, it shall be presented in accordance with the procedure provided by the merit system. I encourage anyone with a grievance to follow the grievance procedure.

It occurred to me that some employees might not be as familiar as they should be with the merit system rules in regard to free speech and grievances. Therefore, I have attached hereto some of the pertinent merit system rules as they relate to free speech and grievances. These rules must be followed. The best way to build and maintain an effective and harmonious work environment is for everyone to know and follow these rules. Failure to follow the rules in the future will be dealt with in accordance with the merit system.

Copy of Merit System Rules and Regulations Section 2.054 Free Speech and Section 15.02 Employee Complaints and Grievances was received by employee on this date. Signed acknowledgement will be placed in employee's personnel file.

Employee Name

Ruth Friedman

9/22/05

Date

The information contained in this memo is legally privileged and confidential information intended only for the individual or entity named above. If the reader of this memo is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this memo is strictly prohibited.

EXHIBIT

10

COUNSELING FORM

Employee Name: David P. Davis Date: 21 September 2005
 Date of Hire: 27 April 1998 SS# 256-19-1294
 Department: Fire Division _____

A counseling session was conducted to the above named employee this date for the following reasons:

Sgt. David Davis was counseled by Chief Hunter and Assistant Chief Johansen on 20th of September 2005, concerning him making or publishing statements to the local media concerning fire department issues which has resulted in impaired discipline and harmony, also speech which has jeopardized close personal loyalties in the workplace. Sgt. Davis was advised of his freedom of speech and the merit system rules and regulations.

Sgt. Davis was also counseled for continuous attempts to force unwanted attention through intimidation, coercing or interfering with a co-worker. (FF B. Wilkinson)

Fire Fighter B. Wilkinson informed Sgt. Davis that IAFF derogatory statements and comments directed towards him would not be tolerated.

A counseling session has been discussed with me and I understand this notice will become part of my personnel file.

Employee Signature _____

Date _____

09/20/2005

Supervisor Signature _____

Date _____

20th Sept 2005



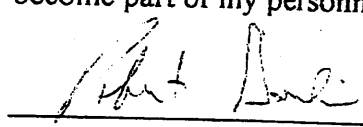
COUNSELING FORM

Employee Name: Robert Gaskin Date: 21 September 2005
 Date of Hire: 9 January 1989 SS# 525-15-0534
 Department: Fire Division _____

A counseling session was conducted to the above named employee this date for the following reasons:

Captain Robert Gaskin was counseled by Chief Hunter and Assistant Chief Johansen on 20th of September 2005, concerning him making or publishing statements to the local media concerning fire department issues which has resulted in impaired discipline and harmony, also speech which has jeopardized close personal loyalties in the workplace. Captain Gaskin was advised of his freedom of speech and the merit system rules and regulations.

A counseling session has been discussed with me and I understand this notice will become part of my personnel file.


 Employee Signature

9.21.05
 Date


 Supervisor Signature

20 Sept 2005
 Date

EXHIBIT

11

05/11/2006 17:21 1543

PAGE 20

MERIT SYSTEM RULES AND REGULATIONS

department head status, may contact his department head for advice and counseling, and an answer shall be given to the employee within three working days. If the employee is not satisfied with the answer, he shall follow the next step in the procedure. **Note:** If the matter involves sexual harassment, follow procedures in section 15.024 below.

- B. If the grievance is not resolved by the immediate supervisor to the satisfaction of the employee, or if the decision has not been made by the immediate supervisor within three days, the employee may discuss the matter with the next higher level of management. An answer shall be given to the employee within three working days. If the employee is not satisfied with the answer he/she shall follow the next step in the procedure.
- C. The employee may submit the grievance to the department head in writing. The department head, within five working days, shall render a written decision which shall state the problem, the applicable policy or regulation, and the reasons for applying the policy and decision. Copies of the department head's decision shall be forwarded to the employee, division head, immediate supervisor, and the Personnel Director. If the employee is not satisfied with the answer, he/she shall follow the next step in the procedure.
- D. The employee may submit the grievance to the City Manager in writing. The City Manager shall put in writing the decision he/she has rendered concerning the grievance within five working days from the receipt of the written grievance from the employee. The decision of the City Manager shall be final, and the employee shall have no further rights of administrative appeal.

15.024 PROCEDURE FOR PRESENTATION OF A GRIEVANCE INVOLVING SEXUAL HARASSMENT

- A. Any employee having a complaint involving sexual harassment may, but is not required to, inform the immediate supervisor. If the complaint involves the supervisor the employee will by-pass supervisory channels and report the matter to the department head, Personnel Director or City Manager as appropriate.
- B. Any official or supervisor who receives a complaint or has knowledge of an allegation of sexual harassment will advise the Personnel Department the same working day. No other discussion or disclosure of the allegation is permitted.
- C. The Personnel Department will immediately log the allegation and will open a file.
- D. The Personnel Director or designated representative will interview the complainant within 24 hours and will obtain specific information regarding the time, place, and circumstances of the above incident.

05/11/2006 17:21 1543

PAGE 21

MERIT SYSTRULES AND REGULATIONS

City Manager within three days of the completion of the hearing.

- G. In cases of disciplinary actions, the City Manager may accept the findings and opinion of the Personnel Board or may determine that the disciplinary action needs to be modified; the City Manager shall recommend a course of action to the Personnel Board. Within seven days after receiving the request, the Personnel Board shall reaffirm or modify its original findings and opinion in writing to the City Manager. The decision of the Personnel Board shall be final unless appealed by the City Manager to the City Council. The employee shall have no further right of administrative appeal. The employee and all parties affected shall be promptly notified in writing of the final decision.

- H. The City Attorney shall be present and represent the city at all Personnel Review Board hearings

15.02 EMPLOYEE COMPLAINTS AND GRIEVANCES

Disciplinary actions, dismissals, demotions, suspensions, fines, reduction in pay, position classifications and allocations shall not be subject to review as grievances.

Other complaints and grievances which an employee may have because of an action affecting his status or conditions of employment shall be handled in the procedure outlined in this section.

15.021 PURPOSE OF A GRIEVANCE

The primary purpose of a grievance procedure shall be to determine what is right rather than who is right. Free discussion between employees and supervisors will lead to a better understanding by both of practices, policies and procedures which affect employees. This will tend to identify and eliminate conditions which may cause misunderstanding and grievances. The intended purpose is defeated if a spirit of conflict enters into the consideration of a grievance. Supervisors and employees alike shall recognize the true purpose of a grievance procedure if it is to be of value in promoting the well-being of the City Service.

15.022 DEFINITION OF A GRIEVANCE

A grievance is a complaint--a view or opinion pertaining to employment conditions, to relationships between employees and supervisors, or to relationships with other employees. Disciplinary actions, dismissals, demotions, suspensions, fines, reduction in pay, position classifications and allocations shall not be subject to review as a grievance. (See Employee Appeals, Section 15.01)

15.023 PROCEDURE FOR PRESENTATION OF A GRIEVANCE

- A. Any employee having a complaint, (a view or opinion supported by facts), pertaining to employment conditions or relationships with his immediate supervisor or other employees (not involving sexual harassment) shall first discuss the matter with his immediate supervisor. The supervisor, if not

05/11/2006 17:21 1543

PAGE 22

MERIT SYSRULES AND REGULATIONS**2.053 LIBERTY INTEREST**

The city recognizes that each employee has a liberty interest in his or her employment and will not disclose the reasons for any adverse personnel action without due process as provided in 2.051 above.

2.054 FREE SPEECH

The city will not discharge an employee for the exercise of his or her right to free speech unless the city can show a compelling interest in abridgement of this rights and the employee has been granted due process. The right of employees to freedom of speech will not be abridged except in the following situations:

- A. Speech which impairs discipline and harmony in the workplace.
- B. Speech which breaches confidentiality or privileged information.
- C. Speech which impedes job performance.
- D. Speech which jeopardizes close personal loyalty.

2.055 EQUAL PROTECTION

The city will not discriminate against any classification of individuals regardless of whether the classification is prohibited or not prohibited by statutes.

2.056 FREEDOM OF ASSOCIATION

The city upholds the right of free association for employees which includes the right to join or not to join political parties and other groups.

2.057 THE RIGHT TO PRIVACY

The city will conduct workplace searches including drug testing only on the basis of reasonable suspicion that a prohibited activity may be taking place. Where public safety is involved however, such as with police officers, fire fighters and emergency medical technicians the city may conduct blanket or random drug testing.

05/11/2006 17:21 1543

PAGE 23

**CITY OF PHENIX CITY
FIRE DEPARTMENT****ASOP 12****ADDRESSING CITY COUNCIL**

PURPOSE: *To insure the orderly handling of work-related business of the Fire Department personnel.*

SCOPE: *This procedure shall be followed by all members of the Phenix City Fire Department.*

PROCEDURE:

1. *If a member of the Fire Department has a problem with the Department, a Department, or City operations or procedures which are work-related and finds it necessary to go above his/her immediate supervisor, he/she must notify the supervisor of the intention to do so.*
2. *If a member of the Fire Department finds it necessary to go outside the Department, the Fire Chief will be given a reasonable time to make an appointment with the Public Safety Director.*
3. *If a problem cannot be solved by anyone in the chain of command, then the City Manager will arrange a hearing with the City Council.*
4. *If any Fire Department member appears before the City Council or directly contacts City Council members about work-related problems without following these procedures, they will be subject to disciplinary action in accordance with Section VI of the City of Phenix City Personnel Policies.*

If a member of the Fire Department has a grievance, that member must follow the grievance procedures as outline in Section XV of the City of Phenix City Personnel Policies.

JANUARY 1998

NVS0000000024

EXHIBIT

12

COPY



Phenix City Fire/Rescue Services

*1111 Broad Street
Phenix City, Alabama 36867
(334) 448-2817*

H. H. Roberts, City Manager



*Roy Waters
Deputy Chief*

*Wallace B. Hunter
Fire Chief*

*Kristin Kennedy
Assistant Chief/Fire Prevention*

*Kenneth Johansen Micheal Hanson
Assistant Chief Assistant Chief*

*James Jackson Bobby Brooks
Assistant Chief Captain/Training Officer*

Memo

TO: Wallace B. Hunter, Fire Chief
FROM: Roy Waters, Deputy Chief *RW*
DATE: February 6, 2006
RE: Letter to Mr. H. H. Roberts

On Monday, February 6, 2006, I met with D/E David Davis at Station #3. The purpose of the meeting was to discuss the letter Mr. Roberts received from Mr. Schaitberger. I asked David how he thought everything in the department was going. David told me everything was going good and he didn't have any complaints.

I asked David about the letter from Mr. Schaitberger and David told me he did not have anything to do with the letter. David also told me, Mr. Thomas Malone called him on Saturday, February 4, 2006 and told him about the letter, so he wouldn't be caught off guard.

David informed me that the letter was generated by Mr. Malone as a result of him not being allowed to remain at and participate in the administrative hearing that took place during the Fall of 2005.

I am convinced that David Davis is being honest and forthright, concerning the letter sent to Mr. Roberts. As I have communicated to you on several accessions, David Davis is doing an outstanding job for me and has a very positive and professional attitude.

.cc D/E David Davis
file

EXHIBIT

13



City of **PHENIX CITY** *Alabama*

601 - 12TH STREET
PHENIX CITY, ALABAMA 36868
(334) 448-2720 • FAX (334) 291-4702

JEFF HARDIN
MAYOR

RAY BUSH
MAYOR PRO TEM

JOHN STOREY
COUNCIL MEMBER DISTRICT 1

GAIL BRANTLEY
COUNCIL MEMBER DISTRICT 2

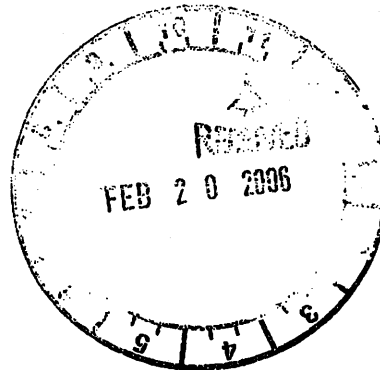
ARTHUR SUMBRY
COUNCIL MEMBER DISTRICT 3

H. H. (Bubba) ROBERTS
CITY MANAGER

MARTHA HARRIS
CITY CLERK

February 14, 2006

Mr. Harold A. Schaitberger
General President
Internal Association of Fire Fighters
1750 New York Avenue, N. W.
Washington, D.C. 20006-5395



RE: David Davis Personnel Hearing

Dear Mr. Schaitberger:

I am in receipt of and have reviewed your letter to me of January 31, 2006. The hearing involving Mr. Davis occurred in August of 2005. At that time, Mr. Davis expressed his concerns. Since that time, I believe his concerns have been satisfactorily addressed. Our Deputy Chief spoke with Mr. Davis upon receipt of your letter and Mr. Davis expressed that he thought everything in the department was going good and that he did not have any complaints.

We are working hard to promote harmony within our department. We try to treat our firefighters well and with respect. We want to have an excellent department that is professional inside and out and provides for the public safety of our citizens. We believe we have achieved that goal, but are always looking for ways to improve.

Thank you for bringing your concerns to my attention.

Sincerely,

H. H. Roberts
City Manager
City of Phenix City

HR:cw

EXHIBIT

14

ORDINANCE NO. 2006-13

AN ORDINANCE TO AMEND SECTION 9.01 OF THE MERIT SYSTEM RULES AND REGULATIONS OF THE CITY OF PHENIX CITY, ALABAMA.

Be it ordained by the City Council of the City of Phenix City, Alabama:

That the Merit System Rules and Regulations of the City of Phenix City, Alabama, Section 9.01 is hereby amended as follows:

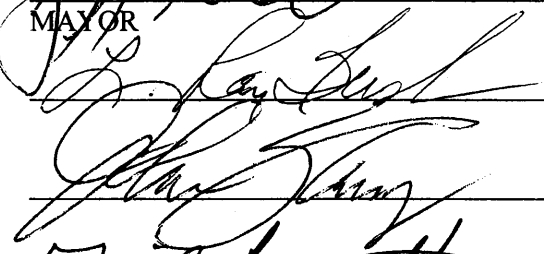
9.01 DURATION

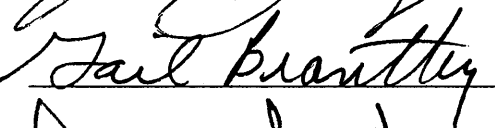
The probationary period shall be twelve months in duration for all classes with exception to police officers, firefighters and code enforcement officers. Due to the length of the required certification programs for police officers, firefighters and code enforcement officers the probationary period for new hires shall be eighteen months. The probationary period for promotions shall be twelve months.


PASSED, APPROVED and ADOPTED this 18th day of April, 2006.



MAYOR

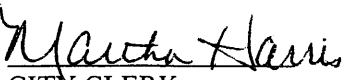






MEMBERS OF THE CITY COUNCIL OF THE
CITY OF PHENIX CITY, ALABAMA

ATTEST:

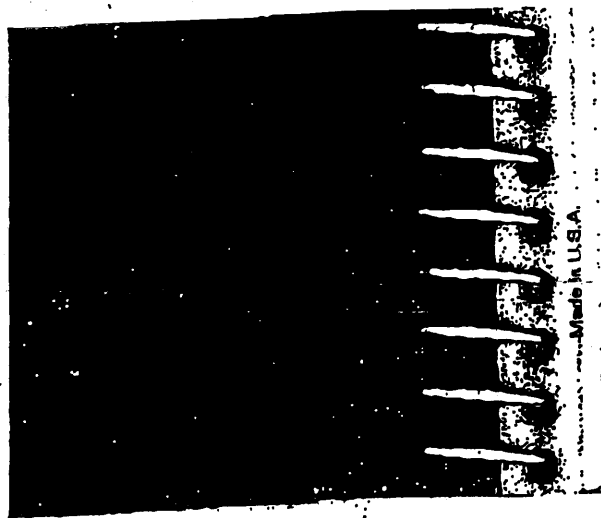


CITY CLERK

EXHIBIT

15

J5/11/2006 17:21 1543



RECEIVED

FOR Mayor DATE 4/17 TIME 12:00
M David Davis
OF _____
PHONE ☐ FAX ☐ MOBILE 291-1927
AREA CODE _____ NUMBER _____ EXTENSION _____
MESSAGE City proposals
he would not speak with anyone
else
SIGNED [Signature] TOP FOR

DVS000000005

EXHIBIT

16

J5/11/2006 17:21 1543

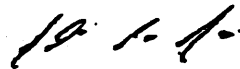
PAGE 10

04/19/2006

Wallace Hunter, Fire Chief

On Monday April 17, 2006 I placed a call to Mayor Jeff Hardin's office. As President of the Phenix City Firefighters Association/Local -3668, I made this call in regards to some labor issues in which I had concerns with. Mayor Hardin returned my call later that evening and we discussed the issues in which I wanted to address.

Respectively,



David P. Davis

DVS000000009

EXHIBIT

17

5/11/2006 17:21 1543

PAGE 16



Phenix City Fire/Rescue Services

1111 Broad Street
Phenix City, Alabama 36867
(334) 448-2817 Fax (334) 291-4755



H.H. Roberts, City Manager

Roy Waters
Deputy Chief

Wallace B. Hunter
Fire Chief

Kristin Kennedy
Assistant Chief/Fire Prevention

Kenneth Johansen *Mickael Hanson*
Assistant Chief *Assistant Chief*

James Jackson *Bobby Brooks*
Assistant Chief *Captain/Training Officer*

Memo

To: H.H. Roberts, City Manager

From: Wallace B. Hunter, Fire Chief *WBH*

Date: April 20, 2006

CC: Barbara Goodwin, Personnel Director

Re: Sergeant David Davis Merit System and S.O.P. Violations

This memo is to inform you about a conversation between Personnel Director Barbara Goodwin and myself about the city's new probation time for new hires for Public Safety. During this conversation, I was informed that one of our firefighters, Sgt. David Davis, called Mayor Hardin to discuss or complain about the new policy. This is a clear violation of our Merit System and S.O.P's. Sgt. David Davis was counseled on this type of violation in September 2005 and he signed indicating his understanding of this violation.

On Wednesday, April 19, 2006, Deputy Chief Roy Waters met with Sgt. Davis and asked him why he violated the chain of command and Merit System to call Mayor Hardin. His response was that as president of the Phenix City Firefighters Association/Legal-3668; he made a call in regards to labor issues in which he had concerns with. Mayor Hardin returned his call later that evening and they discussed the issues in which he wanted to address.

David Davis has made it clear that he will not adhere to our Merit System grievance process or the department and city's standard operating procedures. Mayor Hardin should refer any employee violating the chain of command, as indicated in our merit system back to their department head, personnel department or city manager. Failing to do so is a violation of our city charter. This continued disrespect of the city's policies and procedures from Sgt. Davis has made it very difficult for me to expect other members of the fire department or the city to adhere to any

DVS000000007

05/11/2006 17:21 1543

PAGE 17

policies and procedures if he's allowed to continue any further with this type behavior.

I also feel very strongly that someone should speak with Mayor Hardin about this sensitive issue of interfering with the jobs that department heads are trying to do to keep their departments running smoothly and effectively.

DVS000000008

EXHIBIT

18

5/11/2006 17:21 1543

PAGE 14

WRITTEN WARNING FORM

Emp. # 1299
 Employee David Davis Date April 20, 2006
 Date of Hire 4/27/1998 SS# _____
 Department Fire Rescue Services Division Operations

This written warning was issued to the above named employee this date for the following violation(s) of the Merit System Rules and Regulations:

Group II Line # 4 which states:

"Negligence or omission in complying with the requirements as set forth in miscellaneous rules". AND Group III Line #6 which states: "Insubordination by the refusal to perform work assigned/to comply with written or verbal instructions of the supervisory force".

DETAILS OF MERIT SYSTEM VIOLATION

Document detailed description of violation including date, time and nature of each occurrence:

On April 17, 2006 at 12:30 p.m. Driver Engineer David Davis called Mayor Hardin regarding City proposals. Mayor Hardin was not in and David Davis asked to leave a message for Mayor Hardin to return his phone call. David Davis stated he would not speak with anyone else.

Prior Verbal or Written Corrective Actions (give date, reason and action)

September 20, 2005- Violation of directive from Chief Wallace B. Hunter regarding free speech and grievances. Violation of ASOP 12: #1 If a member of the department has a problem with the department, another Department, or City operations and procedures which are work-related and finds it necessary to go above his/her immediate supervisor, he/she must notify the supervisor of the intention to do so. #3 If a problem cannot be solved by anyone in the chain of command, then the City Manager will arrange a hearing with the City Council.

August 22, 2005- Counseling Memorandum: David Davis ordering a firefighter to do 25 pushups for forgetting his uniform shirt when reporting for duty. August 3, 2005- Written Warning Form, Group II Line 2 which states "threatening, intimidating, coercing, or interfering with fellow employees or supervisors at anytime, including abusive language". March 15, 2005- letter addressed to Mr. Thomas H. Malone, Jr. in regards to handling of personnel issues. October 25, 2004- Counseling Form: Group I Line 13 Violating a safety rule or safety practice. August 2, 2004- Counseling Form: Backing the fire apparatus without proper placement of guides resulting in a vehicle accident. September 19, 2002- Written Reprimand: Mistakes due to carelessness.
 Current Corrective Action Take

Discharge as per Merit System Rules and Regulations for second Group II Offense. Discharge as per Merit System Rules and Regulations for first Group III Offense (pages 53 and 54).

Employee's comments to written warning:

In regards to receiving the Mayor I was acting
 in my capacity as President of the Phoenix Fire Fighters Association
 Local 2160 and as a Driver Engineer with the City of Phoenix City.
 I will seek review board hearing

(Over)

DVS000000030

05/11/2006 17:21 1543

PAGE 15

Additional Comments:

This written warning is intended to give you an opportunity to correct your work performance and conduct in the future. Failure to do so will subject you to further corrective action as stated in the Merit System Rules and Regulations and could result in your dismissal from employment with the City of Phenix City.

4-21-06

Date


 Supervisor's Signature

I acknowledge this written warning has been discussed with me and understand this notice will become part of my personnel file. I further acknowledge I have been informed of my right to appeal the disciplinary action taken against me to the Appeals Board or the Personnel Review Board. My request must be submitted in writing to the Personnel Director within three (3) working days for the Appeal Board and within ten (10) working days for the Personnel Review Board. Probationary employees are not entitled to a Personnel Review Board Hearing as stated in Section 15.011 of the Merit System Rules and Regulation.


 Employee Signature


 Personnel Director


 Department Head
04/21/2006
Date

 Date


 Date

Routing: _____ Personnel File _____ Personnel Director _____ Employee

EXHIBIT

19

05/11/2006 17:21 1543

PAGE 03



City of PHENIX CITY Alabama

601-12th STREET
PHENIX CITY, ALABAMA 36867

JEFF HARDIN
MAYOR

RAY BUSH
COUNCIL MEMBER AT LARGE

JOHN STOREY
COUNCIL MEMBER DISTRICT 1

GAIL BRANTLEY
COUNCIL MEMBER DISTRICT 2

ARTHUR SUMBRY
COUNCIL MEMBER DISTRICT 3

(Bubba) ROBERTS
CITY MANAGER

BARBARA GOODWIN
PERSONNEL DIRECTOR

MARTHA HARRIS
CITY CLERK

END OF EMPLOYMENT FORM CITY OF PHENIX CITY

The employment of David Paul Davis Emp # 1299 ended

April 21, 2006 for the following reason:

 Resigned X Dismissed Deceased Retired Other

If resigned, dismissed, retired or other explain below

If deceased-Date of death below

Group II Line 4 which states " Negligence or omission in complying with the requirements as set forth in miscellaneous rules". AND Group III Line # 6 which states " Insubordination by the refusal to perform work assigned/to comply with written or verbal instructions of the supervisory force."

11 P. 4
EMPLOYEE

CITY MANAGER

135 Lee Rd 236

Barbara Goodwin
PERSONNEL DIRECTOR

Phenix City AL 36870
Mailing Address

Wallace B. Hester
DEPARTMENT HEAD

FIRE
DEPARTMENT

DIVISION

04/21/2006 10:11
DATE AND TIME SIGNED

DVS000000006

EXHIBIT

20

05/11/2006 17:21 1543


PAGE 13

04/28/2006

Barbara Goodwin/Personnel Director,

I am humbly requesting an appeal hearing to the personnel board for the disciplinary actions and termination that was taken against me April 21, 2006. I respectfully ask that this hearing not occur until after May 12, 2006, for I will be out of town. In addition, I will be using legal counsel and ask that you inform me in writing, that I will be allowed to use legal representation during this appeal hearing.

Respectively,


David P. Davis
185 Lee Road 236
Phenix City, AL 36870
(334) 291-1927

received

4/28/06

DVS000000003

EXHIBIT

21

May 16, 2006

The Personnel Review Board met at 6:00 PM on this date to hear the appeal of David Davis who was terminated on April 21, 2006 for violation of Merit System Rules and Regulations-Section 14.05, Group Two, Line 4, which states "Negligence or omission in complying with the requirements as set forth in miscellaneous rules" and Group III Line 6 which states " Insubordination by the refusal to perform work assigned/to comply with written or verbal instructions of the supervisory force".

Board members present were: Bobby Kilcrease, Chairman, Ford Duncan, James Welburn, Danny Redmon, Barbara Mitchell and Billy Sims. Also present were Bubba Roberts, City Manager, James P. Graham, Jr., City, Wallace Hunter, Fire Chief, and Barbara Goodwin, Personnel Director.

Mr. Davis was present and represented by Attorney Brian Polisuk, Danny Todd of the International Association of Firefighters and Thomas Malone, District Field Representative of the International Association of Firefighters.

Chairman Bobby Kilcrease called the meeting to order.

All potential witnesses were sworn in by City Manager Bubba Roberts. Jim Welburn made a motion to go into executive session to discuss the good name and character of the employee. Motion carried and the Board went into executive session. After discussion with the Chairman, Attorney Graham advised that the Board would not reconvene. Witnesses were dismissed to the lobby to wait. Mr. Davis, Mr. Polisuk, Mr. Todd, Mr. Malone and Chief Hunter remained in the conference room to present the case to the Board.

City Manager, Bubba Roberts stated to the Board the charges against Mr. Davis. Mr. Polisuk made an opening statement on the behalf of Mr. Davis and then questioned Mr. Davis in regards to the incident which led up to his dismissal. Mr. Davis was questioned by Attorney Graham. After Mr. Davis' testimony there were no other witnessed presented on behalf of Mr. Davis.

Attorney Graham called individually Deputy Fire Chief Roy Waters, City Manager Bubba Roberts and Personnel Director Barbara Goodwin for questioning. Mr. Polisuk questioned each after Attorney Graham.

Attorney Polisuk and Graham each made a closing statement to the Board.

After all testimony was given the Board privately convened to discuss the appeal. After discussion Chairman Bobby Kilcrease presented the City Manager with the following statement: "5-16-2006 The Personnel Review Committee met on May 16, 2006 to hear the appeal of Firefighter David Davis' termination from his employment with the City of Phenix City due to his violation of the City Merit System Rules and Regulations. After

hearing from all witnesses and Firefighter Davis, the committee unanimously upholds the decision to terminate Firefighter Davis.

Meeting was adjourned at approximately 9:30 PM.

Tape recording of the appeal hearing is made a part of these minutes.

Bobby Kilcrease
Chairman

Barbara Gordon
Secretary

I WILL Attend

I WILL NOT _____

ATTEND THE PERSONNEL REVIEW BOARD HEARING ON TUESDAY, MAY 16, 2006 AT 6:00 P.M. IN THE CONFERENCE ROOM OF THE CITY MANAGER'S OFFICE.

Barbara Mitchell
Barbara Mitchell

I WILL  _____

I WILL NOT _____

ATTEND THE PERSONNEL REVIEW BOARD HEARING ON TUESDAY, MAY 16,
2006 AT 6:00 P.M. IN THE CONFERENCE ROOM OF THE CITY MANAGER'S
OFFICE.



Jim Welburn

I WILL _____

I WILL NOT _____

ATTEND THE PERSONNEL REVIEW BOARD HEARING ON TUESDAY, MAY 16, 2006 AT 6:00 P.M. IN THE CONFERENCE ROOM OF THE CITY MANAGER'S OFFICE.

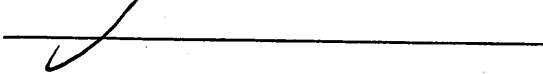
Bluerh
James P. Graham, Jr., City Attorney

James P. Graham, Jr., City Attorney

I WILL

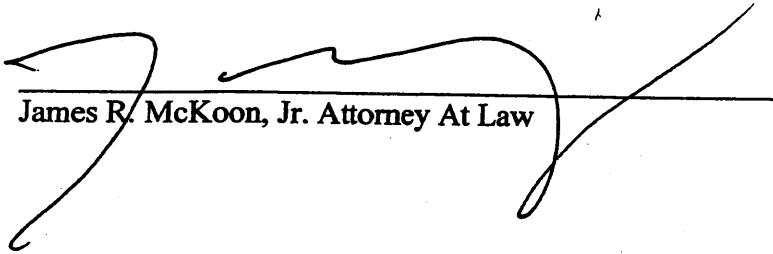
A handwritten signature in black ink, appearing to be "J. R. McKoon, Jr.", written over a horizontal line.

I WILL NOT

A handwritten signature in black ink, appearing to be "J. R. McKoon, Jr.", written over a horizontal line.

ATTEND THE PERSONNEL REVIEW BOARD HEARING ON TUESDAY, MAY 16,
2006 AT 6:00 P.M. IN THE CONFERENCE ROOM OF THE CITY MANAGER'S
OFFICE.

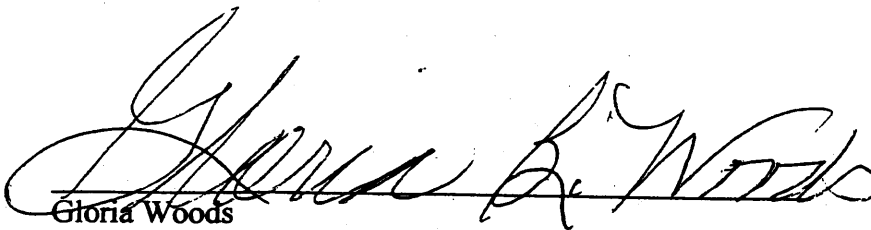
James R. McKoon, Jr. Attorney At Law

A large, stylized handwritten signature in black ink, written over a horizontal line.

I WILL ☒ _____

I WILL NOT _____

ATTEND THE PERSONNEL REVIEW BOARD HEARING ON TUESDAY, MAY 16,
2006 AT 6:00 P.M. IN THE CONFERENCE ROOM OF THE CITY MANAGER'S
OFFICE.


Gloria Woods

I WILL _____

I WILL NOT _____

ATTEND THE PERSONNEL REVIEW BOARD HEARING ON TUESDAY, MAY 16,
2006 AT 6:00 P.M. IN THE CONFERENCE ROOM OF THE CITY MANAGER'S
OFFICE.

Will advise

Daniel J. Redmon, Jr.

Daniel J. Redmon, Jr.

I WILL yes

I WILL NOT _____

ATTEND THE PERSONNEL REVIEW BOARD HEARING ON TUESDAY, MAY 16,
2006 AT 6:00 P.M. IN THE CONFERENCE ROOM OF THE CITY MANAGER'S
OFFICE.

Bobby Kilcrease

Bobby Kilcrease

I WILL Billy Sims II

I WILL NOT _____

ATTEND THE PERSONNEL REVIEW BOARD HEARING ON TUESDAY, MAY 16,
2006 AT 6:00 P.M. IN THE CONFERENCE ROOM OF THE CITY MANAGER'S
OFFICE.

Billy Sims, II

A handwritten signature in black ink, appearing to read "Billy Sims, II", written over a horizontal line.

I WILL ✓

I WILL NOT _____

ATTEND THE PERSONNEL REVIEW BOARD HEARING ON TUESDAY, MAY 16, 2006 AT 6:00 P.M. IN THE CONFERENCE ROOM OF THE CITY MANAGER'S OFFICE.

Ford Duncan

Ford Duncan

I WILL

✓

I WILL NOT

ATEND THE PERSONNEL REVIEW BOARD HEARING ON
TUESDAY, MAY 16, 2006 AT 6:00 P.M. IN THE CONFERENCE
ROOMS OF THE CITY MANAGER'S OFFICE.

Wallace B. Hunter

Wallace Hunter, Fire Chief

EXHIBIT

22



City of **PHENIX CITY** *Alabama*

601-12th STREET
PHENIX CITY, ALABAMA 36867
(334) 448-2751 - FAX (334) 448-2712

JEFF HARDIN
MAYOR

RAY BUSH
COUNCIL MEMBER AT LARGE

JOHN STOREY
COUNCIL MEMBER DISTRICT 1

GAIL BRANTLEY
COUNCIL MEMBER DISTRICT 2

ARTHUR SUMBRY
COUNCIL MEMBER DISTRICT 3

F. H. (Bubba) ROBERTS
CITY MANAGER

BARBARA GOODWIN
PERSONNEL DIRECTOR

MARTHA HARRIS
CITY CLERK

May 18, 2006

David Davis
185 Lee Road 236
Phenix City, AL 36870

RE: Personnel Review Board Hearing

Dear Mr. Davis,

Please be advised that it is my determination along with the unanimous recommendation of the Personnel Review that your termination dated April 21, 2006 for violation of the Merit System Rules and Regulations Group II Line 4 and Group III Line 6 is upheld. Enclosed please find a copy of letter dated May 16, 2006 signed by Mr. Bobby Kilcrease, Chairman of the Personnel Review Board.

Sincerely,

H. H. Roberts
City Manager

cc: Bryan G. Polisuk
File

EXHIBIT

23

B4 www.ledger-enquirer.com/news

PC firefighters' representative terminated

David Davis says he was fired for contacting mayor

BY CHUCK WILLIAMS
Staff Writer

The president of the Phenix City Firefighters Association has been fired from the city's fire department.

David Davis, who has been with the department for eight years, was fired April 21. He said he has retained a Washington, D.C., lawyer affiliated with the International Association of Firefighters to represent him as he appeals the decision.

"I was told I was fired because I contacted the mayor on my off day as president of the local firefighter's association," Davis said.

Mayor Jeff Hardin was on vacation Friday and unavailable for comment. Davis said he talked with Hardin on April 17.

Phenix City Fire Chief Wallace Hunter and Deputy Chief Roy Waters both refused to discuss Davis' firing, saying it was a personnel matter.

Phenix City Manager Bubba Roberts confirmed Thursday that Davis' employment has been terminated. Roberts said he did not know the details and has left fire department personnel decisions to Hunter and Waters.

Last year, in a Ledger-

Enquirer article, Davis and nine other members of the department were highly critical of Hunter and some of the department's policies. Hunter, who has been with the department more than 20 years, has been the chief for almost a year.

"Morale is at the lowest point since I've been here," Davis said in September.

After that article, Davis and other members of the department were reprimanded for talking to the media.

The city does not recognize the Phenix City Firefighters Association as a union. The association has no collective bargaining power.

Late last year, Waters, who had weeks before retired as chief of the Columbus Fire and Emergency Medical Services Department, was hired to be the second-in-command in Phenix City.

Davis has appealed the firing to the Phenix City Personnel Review Board. The seven-member citizen panel appointed by Phenix City Council will hear his case. If Roberts disagrees with the review board's decision, the city manager can take the matter to the five-person City Council.

Human Resources Director Barbara Goodwin was out of the office Friday and no date for the hearing could be ascertained.

DVS000000049